

# Asia-Pacific Security Studies



## *Japan's Security Policies during OEF and OIF: Incremental Reactions Meet Great Expectations*

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### Conclusions

Japan's contributions to Operation Enduring Freedom (OEF) against Afghanistan in 2001 and Operation Iraqi Freedom (OIF) in 2003 have been built on responses to U.S. expectations and requests, thus establishing new accomplishments in the gradual expansion of Japan's security roles.

In the end, in the context of the U.S.-Japan alliance, Japan has come closer than in the past to meeting its ally's expectations.

The net importance of Japan's responses to OEF and OIF is that they reflect incremental progress toward an enhanced Japanese security role and serve as foundation blocks for future legislation for overseas dispatches of the Self-Defense Force (SDF).

Three layers of decision making exist in Japan's responses to OEF and OIF: (1) Diet, (2) prime minister and cabinet, and (3) prime minister and Defense Agency director general.

Japan's response to OEF illustrates the centralized decision making of the Defense Agency director general and the prime minister who used the Implementation Guideline under the Anti-Terror Special Measures Law to implement significant changes in SDF activities.

Controversies regarding deployment of the Aegis destroyers and the less publicized dispatch of a landing ship tank to transport a Thai battalion during OEF illustrate a consistent drive by the Maritime Self-Defense Force (MSDF) to set a precedent by overseas deployments.

Some Japanese politicians remain skeptical of the central role played by the Defense Agency director general and the prime minister in response to OEF. In the short term, they prefer close cabinet-party consultations prior to decisions. In the long term, they prefer permanent legislation to govern SDF dispatch with stricter Diet control.

Japan's security cooperation is contingent upon the disposition of the prevailing political leadership. Inflated expectations based on Prime Minister Koizumi's recent accomplishments will not likely be fulfilled under a different leadership.

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## **Rising Expectations**

Since the burden-sharing demands made by President Richard Nixon in the late 1960s, Japanese security policy in the context of alliance with the United States has faced the persistent challenge of meeting American expectations. A gradual expansion of Japanese security roles occurred during the 1980s under Prime Minister Nakasone, and Japan's MSDF in particular was closely aligned with the U.S. Cold War strategy. Repeated demands by the United States for Japan to play an increased security role were met by incremental increases in Japanese activity. While American *gaiatsu* (external pressure) worked to speed up Japan's governmental decision making, the Japanese public increasingly resented these pressures, especially as the country achieved its economic preeminence by the early 1990s. The Gulf War of 1991, however, proved Japan's inability to formulate security policy under its own comprehensive security doctrine.

Observers have mixed assessments of Japan's responses to the U.S.-led wars against Taliban/Al Qaeda and Iraq (OEF and OIF) from the standpoint of enhanced alliance relations. On the one hand, Japan has responded to the two crises to the relative satisfaction of its ally, the United States. Close consultation between the security bureaucracies and skillful application of "soft *gaiatsu*" by the United States have made it easier for Prime Minister Koizumi to take an active role without being perceived as giving in to U.S. demands. On the less positive side, the broad consensus that doing nothing is unacceptable to the United States co-exists with the lack of domestic consensus about Japan's specific security roles, thereby limiting the pace and substance of security policy change in the context of ongoing hostilities.

## **Constitutional Questions**

Japan's conduct of foreign policy, particularly its use of the Self-Defense Force (SDF), has been restricted by its peace constitution. Article 9 limits the use of the SDF to defensive roles only, and the interpretation by successive Japanese governments of this clause bars the SDF from engaging in collective defense. While constitutional restrictions have limited Japan's security cooperation with the United States, changes in the regional and global security environment and the resulting demands for increased cooperation both at home and in the United States have induced creative re-interpretations in order to allow the SDF to play an increasing role in *de facto*—but not *de jure*—collective defense.

## **Operation Enduring Freedom (OEF)**

A centerpiece of Japanese support to OEF has been the refueling of American and other coalition ships. Also, the *Kirishima* (an Aegis destroyer) replaced one of the three Japanese destroyers serving in the region. Proponents of the decision to deploy the Aegis destroyer based their arguments on technical and political grounds. Opponents challenged the move on legal grounds, focusing on the constitutionality of collective defense, and arguing that the extensive air defense capability and joint operability of the Aegis violated the prohibition on collective defense.

Three layers of decision making were involved in the SDF dispatch during OEF. The Diet passed the Anti-Terror Special Measures Law, which enabled the SDF to engage in "cooperative and supportive activities." Effective for two years, the law mandated the prime minister, with Cabinet approval, to draft a Basic Plan regarding the types, areas, and duration of SDF activities and the scale and composition of the troops and equipment to be deployed. Based on the Basic Plan, the Defense Agency director general draws up (and amends when necessary) implementation

guidelines for the prime minister's approval, which further detail the activities of the dispatched SDF units. Within twenty days from the start of the operation, the prime minister must submit a motion to the Diet for its approval of the operations. Changes to the Basic Plan later on require Cabinet approval and prompt reporting to the Diet, but not a Diet approval. Thus, the Diet, the prime minister and cabinet, and the prime minister and Defense Agency director general make up the three layers of decision making.

All changes in SDF activities during OEF have been made through amendments to the Basic Plan (by prime minister and cabinet) and Implementation Guideline (by prime minister and JDA director general). The cabinet has twice amended the original Basic Plan. The first amendment extended the SDF deployment by one year, and the second amendment added to the activity list the dispatch of a landing (transportation) ship and an additional escort destroyer to transport heavy construction equipment and staff. On December 11, 2002 Japan's vice foreign minister officially offered to transport heavy construction equipment for a 140-men strong Thai army engineering battalion to a port on the Indian Ocean. The Defense Agency and the Foreign Ministry seized this opportunity to set a political precedent in transporting the troops of an Asian country. Changes to the Basic Plan also involve consultation with the parties in Koizumi's coalition, and dissenting voices have been heard from some key Liberal Democratic Party (LDP) leaders against the extension of the refueling activity.

Other changes in the SDF activities to date, however, have not been made by Cabinet meetings, but by the Defense Agency director general and the prime minister in the implementation guideline. Refueling activities were expanded from American ships to British ships, and more recently to ships belonging to other countries in the anti-terrorism coalition (France, Germany, New Zealand, Italy, Netherlands, Spain, Greece, and Canada) by adding these countries to the implementation guideline, where the Basic Plan authorized assisting the United States and "others." Dispatch of Aegis ships too was done by simply listing the name of the vessel in the implementation guidelines, for the Basic Plan only specified the general types and the number of the vessels. The MSDF classifies both Aegis and non-Aegis destroyers as *goeikan* (escort ships).

While setting a two-year limit and civilian control over some operational details under the Special Measures Law, the Japanese Diet gave considerable maneuvering space to the prime minister and the SDF; a stark contrast with the micro-management by Diet at the time of the PKO dispatch to Cambodia. Both the Aegis dispatch and the transportation of the Thai battalion illustrate a consistent drive by the MSDF to set precedents by overseas deployments. In June 2003, the Cabinet submitted to the Diet a bill to extend the Special Measures Law by two years.

*De facto* collective defense with the United States has grown throughout the Cold War period, and post-Cold War Japan has worked to build a domestic consensus around expanded SDF roles to counter the "free rider" criticism from the United States. Recent events yield a mixed picture of Japan's ability to more fully engage in collective defense in the Asia-Pacific region. On the one hand, the precedent-setting cooperation with the United States, the United Kingdom, and others in the war on terrorism will pave the way for an expanded Japanese role in regional security cooperation. On the other hand, public opinion in Japan has demonstrated steady resistance. A poll by Asahi Shimbun on 14–15 December 2002 indicated that 40 percent of the respondents approved of the Aegis dispatch, whereas 48 percent were opposed. Although the Special Measures Law gave a relatively free hand to the prime minister and the Japan Defense Agency (JDA) director general, this was done in the extraordinary circumstances in the aftermath of the September 11 terror attacks on



the United States. Furthermore, fellow LDP members tolerated concentration of decision making into the prime minister's office, only because of Koizumi's popularity and the party's dependence on him. Assessments of Japan's accomplishments must take into account these unique circumstances.

### **Operation Iraqi Freedom (OIF)**

Japan's responses to OIF reflect the earlier context of its much criticized response to the 1991 Gulf War but more fundamentally Tokyo's emphasis on alliance management with the United States in light of the ongoing threat from North Korea's nuclear and missile development. The prominence of these factors in shaping Japan's recent actions during OIF is all the more compelling considering that Japan's interests in the Middle East differ considerably from those of Washington. Japan's heavy oil dependence on the region, its large creditor status vis-à-vis Iraq, the lack of any role in arms transfers to regional antagonists, its marginal role in the Israel-Palestinian issue and considerable doubt among the Japanese public about the justification for war against Iraq all constituted important potential constraints on Japanese actions.

The "Gulf War trauma" continues to set a bottom line for military contributions to international security management outside Japan's immediate vicinity. At the same time, Japan's contributions are contingent upon availability of a clear UN mandate under the current law (PKO law), and support of domestic public opinion and the LDP's coalition partners are essential in case-by-case legislation like those for OEF and OIF activity. The dispatch of an Aegis destroyer to the Indian Ocean in November 2002 occurred without specific reference to possible war against Iraq. The decision represented the Japanese government's inability to directly contribute to anti-Iraq war efforts and limited ability to take over significant burdens from the United States in the ongoing OEF.

Because the government dealt with expansion of SDF activities as administrative matters, largely limiting the decision-making power to the prime minister's office and JDA, the perceived lack of political control over the operational details has worried some politicians, including those within the ruling LDP. There was a broad public consensus at the general level that Japan had to make "human" (and not just financial) contributions. Within the ruling coalition, the SDF deployment in general was well supported. However, there was no consensus within the ruling coalition and even inside the LDP on what types of SDF activities should be undertaken at the operational level. The limited expansion of the SDF activities, despite the increased centralization of decision-making power, characterized Japan's responses to both OEF and OIF.

#### *LDP and Coalition leaders*

While the United States and United Kingdom actively sought support from the rest of the UN Security Council for their draft resolution authorizing force against Iraq if it failed to pass inspections for weapons of mass destruction, Prime Minister Koizumi offered only vague support for the UN process. However, anticipation of a request from the United States for Japan's contribution to a possible war against Iraq led senior LDP leaders to float some ideas to test public and American reactions.

While the U.S. administration refrained from officially making requests to Japan, informal communication between LDP's former Policy Affairs Research Council chairman Shizuka Kamei and the U.S. Department of Defense officials highlighted three areas of possible Japanese contributions: diplomatic support for the military action, rear area support for the military operation, and postwar reconstruction of Iraq. The dispatch of an Aegis destroyer to the Indian Ocean in December 2002 was tacitly understood as an indirect contribution to the anticipated war against Iraq through relieving a U.S. Aegis destroyer from OEF.

Japan's cautious diplomatic approach (not pressing for a UN resolution authorizing the use of force in Iraq) did not give Japan time for new legislation to dispatch SDF rear area support for the war against Iraq because both President Bush's grace period for Saddam Hussein following his March 17 ultimatum and the duration of the active combat were short. Without new enabling legislation, Japan's options were limited to two: normal patrol activities and minesweeping in international water under the Self Defense Forces Law and maritime logistical support under the Anti-Terror Special Measures Law. The former was not needed, and the latter was ruled out, as strong links between Saddam Hussein and Al Qaeda were not demonstrated. Japan ruled out its participation in the combat operations and financial contributions to such efforts, but instead promised to aid post-war reconstruction of Iraq.

In response to President Bush's ultimatum of 17 March 2003 allowing 48 hours for Saddam Hussein to go into exile, Prime Minister Koizumi raised the threshold by expressing his support for a military attack against Iraq without a new UN resolution—departing from a clear earlier preference among Japanese officials for a second UN resolution authorizing force. Prime Minister Koizumi cited the previous three resolutions (678, 687, and 1441) as justification enough, essentially drawing on the initial U.S. explanation. He also explicitly stated that maintaining the credibility of the U.S.-Japan alliance in the face of the threat from North Korea was a part of the consideration.

#### *Public Opinion*

The Japanese public has remained skeptical of any linkage between the September 11 terror attacks on the United States and Iraq. Even when the American and British focus shifted to possible WMD development by Iraq, the Japanese public remained somewhat sympathetic to Iraq. Unlike in 1990, when Iraq clearly violated international law by invading Kuwait, the Japanese public viewed the new confrontation surrounding Iraq as little more than a clash of conflicting national interests in which neither side held moral supremacy.

Koizumi's support for the war without a new UN resolution was opposed by nearly a half of the public. However, polls also indicated that a majority perceived the United States as the most important ally and threats from North Korea as a justification for maintaining a strong alliance. Public opposition against the Iraq war therefore lacked intensity, and the subsequent images of a quick military success further weakened the tone of the opposition. However, the allegations of intelligence failure are renewing opposition to SDF involvement in Iraq's postwar reconstruction.

### **Post-War Reconstruction**

Japan promised its contribution to the post-war reconstruction of Iraq before the war started. However, the degree of its contribution is still subject to Japan's political process. UN approval again became an important legitimating factor in Japan's decision making.

The first question to be addressed was whether Japan could send its civilian administrators to the Organization for Reconstruction and Humanitarian Assistance (ORHA). In this event, the Japanese government decided to dispatch its civilian personnel to ORHA without a UN mandate. Japan considered sending minesweepers into international waters under its maritime patrol clause of the SDF law, but such a need did not arise. Sending the SDF into Iraq or rear areas to support missions in conjunction with allied forces absent a new UN resolution was considered politically infeasible.

Different scenarios of SDF dispatch were examined, depending on the contents of a possible UN resolution. In particular, establishment of a United Nations Peacekeeping Force (UNPKF) was considered unlikely due to the division within the Security Council. As a result, the Japanese government had little hope for

SDF dispatch under its existing PKO law. Therefore, a possibility of new legislation was discussed. During the Bush-Koizumi summit of 23–24 May 2003, Koizumi pledged a dispatch of C-130 transport planes to Iraq's neighboring countries to assist with logistics for the reconstruction effort. This transport operation is expected to start in mid July under the PKO law, and be folded into operations under the new Iraq Humanitarian Reconstruction Support Special Measures Law, when it passes the Diet.

In addition, the U.S. side has requested 1,000 Japanese ground troops to provide rear area support for U.S. and British troops restoring domestic order in Iraq. This "request" probably originates inside Japan, as was the case with the MSDF dispatch of the Aegis destroyer. The government submitted a bill for the Iraq Humanitarian Reconstruction Support Special Measures on 13 June 2003. Three points have emerged during the party process. First, the government bill maintained the stricter version of the code of engagement for the Japanese troops in the current PKO law due to the anticipated political difficulties. Supporters of a "relaxed" code are found both inside the LDP and the Democratic Party, but the bill only included an addendum expressing support for a permanent law with a less constraining code on weapons use. Second, the bill left the definition of "non-combat areas"—in which the SDF operates in rear support for the U.S. and UK troops—to the government, inviting criticism from the Democratic Party. LDP members also reminded Koizumi of the need to consult the party *before* sending the SDF. This effectively limits the relevance of the provision that only requires Diet approval within twenty days of the SDF dispatch. Third, unlike the Anti-Terror Special Measures Law, the bill did not explicitly rule out transportation of weapons and ammunitions. With an argument that checking every cargo container for weapons and ammunitions (if banned) is impractical, the bill left the decision on handling weapons and ammunitions to "Basic Plans" for approval by the cabinet.

Koizumi won a 40-day special Diet session beginning on 19 June 2003 in order to pass this and other legislation. The Iraq bill passed the Lower House on 3 July and the Upper House on 26 July. To avoid an opposition walkout, a vote on extending the Anti-Terror Special Measures Law was separated from the Iraq bill and postponed. Koizumi will likely call an Extraordinary Diet session in late September to extend the anti-terror law. The opposition parties employed obstructionist tactics against the Iraq bill, calling for censure motions against relevant cabinet ministers and a no-confidence motion against Koizumi. The less compromising political mood between the ruling coalition and the opposition Democrats is a result of the rising public opposition to SDF dispatch at a time of alleged intelligence failure on Iraqi WMD, but the coalition had strength to railroad the Iraq bill through the Upper House. However, the fate of the anti-terror law is uncertain. With a nearly certain lower-house dissolution and the coming election in early November, opposition parties are more likely to stage a walkout against the bill to extend the anti-terror law. Even Prime Minister Koizumi carefully postponed the ground troop

dispatch to Iraq till November, citing a need for more studies to determine the security situation and local needs, but in effect avoiding potential pre-election debacle from casualties. Due to the fluid and tight legislative schedule before the election, the ruling coalition will have to carefully manage the Diet floor, and unexpected scandals that opposition parties can exploit may derail this process.

## **Conclusion**

Since the 1991 Gulf War Japan has gone through a series of debates about its security roles. Japan's contributions to OEF against Afghanistan in 2001 and OIF in 2003 have been built on responses to U.S. expectations and requests, thus establishing new accomplishments in the gradual expansion of Japan's security roles. While there is no consensus that radically advances SDF's overseas security roles and challenges the taboo of "collective" defense, the Japanese government is taking an incremental approach to establish a series of precedents that would redefine the limits of "self" defense. Although legislation on OEF and OIF supports are limited in scope and time span, the precedents of deployment set by the maritime, air, and ground self-defense forces will form a fait accompli leading to the writing of a permanent law that generally governs SDF overseas deployment.

On the other hand, Prime Minister Koizumi's personal popularity and leadership accounts for the success of the Anti-Terror Special Measures Law and the passage of the Iraq Reconstruction Law. His popularity and ability to prevail in the leadership struggle inside the LDP hold the keys to extension of the anti-terror law and implementation of the SDF dispatch under the Iraq law.

The net importance of Japan's responses to OEF and OIF in the context of the U.S.-Japan alliance is that they reflect incremental progress toward an enhanced Japanese security role and serve as foundation blocks for future legislation. In the case of OIF, Japanese political leaders went the extra distance to cooperate with the United States despite the perceived absence of an overriding justification for war. Although Japan's cooperation with the United States in the two operations took place outside the framework of UN peacekeeping operations, whether Koizumi can build on these accomplishments to pass permanent legislation for overseas SDF dispatch (with or without UN mandate) is yet to be seen. The process of domestic consensus building toward a permanent dispatch law is not driven by a strong sense of mission and international responsibility, but by threats from North Korea and fear of abandonment by the United States.

Having clear UN endorsements will make Japanese contributions easier, but Japan's progress still will be limited and incremental. Whether Japan can act promptly and contribute significantly without clear UN endorsements is contingent upon the popularity and political skill of the prevailing political leadership; inflated expectations based on Koizumi's accomplishments will not likely be fulfilled under a different leadership.



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